other hand, received only whatever privileges, etc., were reasonably required for the use, maintenance and operation of the mill. Therefore the plaintiff, like any other person, was subject to a multital duty not to *fish* in the millpond. See (1913) 23 YALE LAW JOURNAL, 16; (1917) 27 ibid. 67.

WORKMEN'S COMPENSATION—DISFIGUREMENT—DUAL COMPENSATION.—While in the course of his employment, the plaintiff's arms and fingers were burned, so that they were permanently disabled. His face and head was also burned, seriously disfiguring him. The circuit court allowed compensation for permanent partial incapacity and also for serious and permanent disfigurement. *Held,* that the award was proper. *Wells Bros. Co. v. Industrial Commission* (1918, Ill.) 121 N. E. 256.

This case involves the construction of an amendment to the Illinois Compensation Act. Laws 1915, 403. Before this amendment, there could not be recovery for both incapacity and disfigurement. *Stubbs v. Industrial Com.* (1917) 280 Ill. 208, 117 N. E. 419. The New York statute has been similarly amended so as to permit double recovery. *Erickson v. Preuss* (1918) 223 N. Y. 365, 119 N. E. 555; (1918) 27 YALE LAW JOURNAL, 1097. For a discussion of the theory underlying an award which is not based on loss of earning power, see Bohlen, *Some Problems Under Workmen's Compensation Laws* (1919) 67 PENN. L. REV. 62.

WORKMEN'S COMPENSATION—INJURY DUE TO THIRD PERSON'S FAULT—ELECTION OF REMEDY.—The plaintiff, an employee who had elected to come under the Workmen's Compensation Act, was injured in the course of his employment by the negligence of the defendant, a third party who had elected not to be bound by the Act. After receiving compensation from his employer, the plaintiff brought an action against the defendant for negligence. The defendant pleaded that the employee was not the proper party plaintiff, since the employer had paid the required compensation. *Held,* that he was a proper party plaintiff. *Jones v. Fisher* (1919, Ill.) 122 N. E. 95.

Where an employee has been injured under such circumstances as would give him a common-law right of action against a third party, the Illinois Act distinguishes between the case where all parties have accepted the Act and where the third party had not accepted the Act. In the former, the employee is limited to his claim for compensation against his employer. *Friebel v. Chicago City Ry.* (1917) 280 Ill. 76, 117 N. E. 467. In the latter, which is the principal case, the common-law right is reserved to the employee, subject to his repayment to the employer of the amount received in compensation. See *Houlihan v. Sulzberger & Sons Co.* (1917) 282 Ill. 76, 118 N. E. 429. The Connecticut Act does not make this distinction, the common-law right being reserved to the employee in either case. Gen. St. 1918, sec. 5346. For the subrogation of the employer to the rights of the employee, see (1918) 27 YALE LAW JOURNAL, 708; and (1918) 27 *ibid.* 971.